

REMARKS

This response responds to the Office Action dated April 4, 2008, in which the Examiner rejected claims 1-5 under 35 U.S.C. § 103.

Claims 1 and 4 claim a recording apparatus and claim 3 claims a recording method. The recording apparatus and method include (a) compressing input second definition data, (b) recording, at a predetermined position of a first sector, format information indicating that data recorded in a second sector is based upon a second format and (c) recording, at a predetermined position in a third sector, that the format information indicates a first format.

By recording different format information for compressed data of a second format in first and third sectors of a track, as claimed in claims 1 and 3-4, the claimed invention provides a recording apparatus and method which allows a user to recognize that information is recorded in both a DV format and HD format on the recording medium. The prior art does not show, teach or suggest the invention as claimed in claims 1 and 3-4.

Claims 1-5 were rejected under 35 U.S.C. § 103 as being unpatentable over *Tauchi, et al.* (U.S. Publication No. 2001/0055473).

Applicants respectfully traverse the Examiner's rejection of the claims under 35 U.S.C. § 103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicants respectfully request the Examiner withdraws the rejection to the claims and allows the claims to issue.

Tauchi, et al. appears to disclose an MPEG method processing section 2 records identification information indicating that data being recorded is that compressed by an MPEG method into an ID of the main sector (See FIGS. 5 and 7) and into the ID of the sub-code sector (See FIGS. 5 and 8) [0101]. When recording a SD video signal is instructed, a controller 11

switches a switch 3 to the side of the digital-8-method recording section. Then, the same way as described above, the signals and data are recorded onto the magnetic tape 21 [0107]. ID detecting section 44 detects the ID in each main sector and sub-code sync block and switches a switch 46 corresponding to the identification information to either a digital-8-method reproduction signal processing section, or a MPEG-method reproducing signal processing section 48. [0110]

Thus, *Tauchi, et al.* merely discloses recording an ID in the main sector and sub-code sector indicating either an MPEG method when MPEG is used or a digital-8-method when SD is used. Nothing in *Tauchi, et al.* shows, teaches or suggests that (a) when second definition data is compressed, recording at a predetermined position of a first sector, format information indicating the compressed data in a second sector is in accordance with a second format and (b) recording, at a predetermined position in a third sector, format information indicating the first format as claimed in claims 1 and 3-4. Rather, *Tauchi, et al.* merely discloses recording ID information in both the main sector and sub-code sector indicating either a MPEG method is used or a digital-8-method is used.

Furthermore, FIG. 10 of *Tauchi, et al.* shows a different arrangement of sectors on a track [0121]. In the ITI sector, TIA portion stores APT2, APT1, and APT0 indicating the type of data recorded in a track. When all three indicate zero, DV format is recorded. FIG. 19 shows additional formats including six reserved formats and one format indicating no information [0128]. Additionally, *Tauchi, et al.* merely discloses that with a DV magnetic tape recording apparatus, when all 1's are recorded, the DV apparatus will not read the data. On the other hand, for a HD magnetic-tape recording and reproducing apparatus, all 1's indicate that data of a HD video signal is recorded [0129].

Thus, *Tauchi, et al.* merely discloses the difference between the HD reproducing apparatus and a DV reproducing apparatus reproducing data in the TIA part of the ITI sector. Nothing in *Tauchi, et al.* shows, teaches or suggests that compressed second definition data recorded in a second sector has format information in a first sector indicating the second format while format information recorded in a third sector indicates a first format as claimed in claims 1 and 3-4. Rather, *Tauchi, et al.* merely discloses in paragraphs [0128] – [0129] interpreting information recorded in TIA sector differently based upon a HD reproducing apparatus or a DV reproducing apparatus.

Even assuming *arguendo* that the preamble in FIG. 5 is analogous to the ITI sector in FIG. 10, the combination of Figures would merely suggest to record ID information in the main sector and sub-code sector based upon whether the information is recorded with a MPEG method or a digital-8-method [0101], [0107], [0110] and in addition to store information in the ITI sector as all zeros when recording using a digital-8-method or to store all 1's when recording using an MPEG-method. In other words, when an MPEG-method is used to record information on the tape in *Tauchi, et al.*, ID information indicating the MPEG method will be stored in both the main sector and sub-code sector and the ITI sector will store all 1's, also indicating the MPEG-method HD format. Furthermore, when digital-8-method is used to record information in *Tauchi, et al.*, ID information stored in both the main sector and sub-code sector will indicate the digital-8-method and in addition the ITI sector will record all zeros indicating the DV format is recorded. Thus, nothing in *Tauchi, et al.* shows, teaches or suggests compressed second definition data is recorded in a second sector and a recording means (a) records, at a predetermined position in a first sector, format information indicating that the compressed data in the second sector is recorded with a second format and (b) records, at a predetermined position

of a third sector, format information indicating the first format as claimed in claims 1 and 3-4.

Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 1 and 3-4 under 35 U.S.C. § 103.

Claims 2 and 5 recite additional features. Applicants respectfully submit that claims 2 and 5 would not have been obvious within the meaning of 35 U.S.C. § 103 over *Tauchi, et al.* at least for the reasons as set forth above. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 2 and 5 under 35 U.S.C. § 103.

Thus, it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested. Should the Examiner find that the application is not now in condition for allowance, Applicants respectfully request the Examiner enters this amendment for purposes of appeal.

CONCLUSION

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: 

Ellen Marcie Emas
Reg. No. 32,131
Tel. (202) 292-1530

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